



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Russell J. Gulley, Vice Chairman  
Mr. Jack R. Wilson, III  
Mr. Sherman W. Litton  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Advance Planning  
and Research and Information Section, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects Section, Planning Department  
Mr. Robert V. Clay, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Darla W. Orr, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Zoning and Special Projects Section, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review Section, Planning Department  
Ms. Lauren Blair, Planning Technician, Development Review  
Section, Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review Section, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review Section, Planning Department  
Ms. Beth Sykes, Senior Planner, Development  
Review Section, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development  
Review Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning  
and Research Section, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Section, Planning Department

Mr. Steven F. Haasch, Principal Planner, Advance Planning and  
Research Section, Planning Department

Mr. Zachary Mayo, Planner, Advance Planning and  
Research Section, Planning Department

Ms. Linda N. Lewis, Administrative Assistant, Administration  
Section, Planning Department

Ms. Michelle L. Martin, Secretary, Administrative Section,  
Planning Department

Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office

Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office

Mr. Allan M. Carmody, Director,  
Budget and Management Department

Mr. James R. Banks, Assistant Director,  
Transportation Department

Mr. Richard M. McElfish, Director,  
Environmental Engineering Department

Mr. Scott Flanigan, Water Quality Manager,  
Environmental Engineering Department

Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department

Mr. Randolph Phelps, Senior Engineer,  
Utilities Department

Assistant Fire Marshal John P. Jones,  
Fire Department

Dr. Mike Etienne, Communications Specialist,  
Planning Department, School Administration

### **ASSEMBLY AND WORK SESSION**

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room (1<sup>st</sup> Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- A.** Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation** and **Dinner Location Selection**.
- B.** Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- C.** Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 7:00 p.m. Sessions.)
- D.** **Plans and Information Section Update**.
- E.** **Work Program – Review and Update**.
- F.** **Discussion of Proposed FY-08 Planning Department Fee Adjustments**.

- G. **Discussion** relative to **Residential (R-5) Zoning District Classification.**
- H. **Status Report-*Swift Creek Reservoir Master Plan and Maintenance Program.***
- I. **Discussion** relative to **Proposed *Upper Swift Creek Plan Amendment.***
- J. **Consideration** of the following **Administrative Substantial Accord Determinations:**  
**07PD0363:** In Clover Hill Magisterial District, **SPRINT** requests administrative substantial accord determination for RI 60XC118-B, Evergreen/VEPCO.  
**07PD0379:** In Dale Magisterial District, **CLEARWIRE US LLC** requests administrative substantial accord determination for Clearwire VARCH 042, Newbys Bridge.
- K. **Recess.**

Mr. Turner introduced Ms. Lauren Blair and Mr. Zachary Mayo, who recently joined the Planning Department.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Turner outlined several items to be added to the agenda, including information relative to video streaming technology being considered for Internet broadcasting of local government meetings.

The Commission indicated a presentation on the video streaming technology was not necessary and the item was not added to the agenda.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to add new Items K., Discussion to Consider Rescheduling Planning Commission Evening Session Meeting Start Time; L., *Administrative Substantial Accord Determination Policy*; M., *Residential Subdivision Connectivity Policy*; and N., Proposed Ordinance Amendment To Address Parking Of Vehicles On Front Lawns In Residential Districts; and reordered the remainder of the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**B. REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of July, August and September 2007.

**C. REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p. m. Public Meeting and Hearing.

**D. PLANS AND INFORMATION SECTION UPDATE.**

There were no Plans and Information projects updates.

**E. WORK PROGRAM.**

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the July 2007 Work Program, as presented.

**F. DISCUSSION OF PROPOSED FY-08 PLANNING DEPARTMENT FEE ADJUSTMENTS.**

Mr. Larson presented an overview of the proposed Planning Department subdivision fee adjustments, noting that should the Commission proceed with a review of the fee adjustments, the Commission may wish to consider appointing a review committee. He listed the names of potential appointees the Commission may wish to consider which included Messrs. Scott Camp, Clem Carlisle, Robert Schrum, Jr., Tyler Craddock, Andy Scherzer, Dick Collier and Planning Department staff support.

After a brief discussion, the Commission requested staff contact the individuals to determine if they wished to serve on the committee and deferred action on the matter to 7:00 p. m.

**G. DISCUSSION RELATIVE TO RESIDENTIAL (R-5) ZONING DISTRICT CLASSIFICATION.**

Mr. Bowling updated the Commission as to the status of the Residential (R-5) Zoning District classification.

There was discussion regarding the similarities between the Residential (R-5) Zoning District and the Neo-Traditional Zoning District classifications; whether or not there were sufficient similarities to combine the projects; and the scheduling of meetings with individual Commissioners to discuss issues and/or concerns.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission scheduled a combined discussion of the Residential (R-5) Zoning District and Neo-Traditional Zoning District classifications at the August 21, 2007, Planning Commission Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**H. STATUS REPORT-SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.**

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program*, the focus of which was an overview of the proposed Ordinance Amendments relating to water quality in the Upper Swift Creek watershed.

Mr. Litton left the meeting.

There was discussion relative to water quality concerns related to total phosphorous loads from future development; development standards consistent with the protection of critical natural systems within the watershed; water quality goals for area streams and the Swift Creek Reservoir; legal constraints and

ramifications; incentives for the development community to use low impact development (LID) site planning and practices; and other concerns.

Upon conclusion of the discussion, the Commission expressed concern that there was insufficient data available at this time to determine if the proposed water quality Ordinance Amendments should be scheduled for public hearing and deferred the matter to 7:00 p.m. to allow staff to provide clarification.

**I. DISCUSSION RELATIVE TO PROPOSED *UPPER SWIFT CREEK PLAN* AMENDMENT.**

Mr. Bowling updated the Commission as to the status of the proposed *Upper Swift Creek Plan* Amendment and related land use Ordinances, noting staff had reserved accommodations for two (2) citizens' informational sessions at Mt. Hermon Baptist Church, Moseley, VA, on July 12, 2007.

Several Commissioners expressed interest in attending the Citizens' Meeting and there was discussion relative to logistics/staff support for the meeting.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission requested staff take the necessary steps to advertise, and ensure appropriate notification to the public of, the July 12, 2007, Planning Commission/Citizens' Meeting scheduled at 3:00 and 7:00 p.m. at the Mt. Hermon Baptist Church, Moseley, VA, regarding the proposed *Upper Swift Creek Plan* Amendment and related Ordinances.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission set the date of, and requested staff take the necessary steps to advertise, July 19, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider the proposed *Upper Swift Creek Plan* Amendment and related Ordinances.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

**J. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:**

**07PD0363:** In Clover Hill Magisterial District, **SPRINT** requests administrative substantial accord determination for RI 60XC118-B, Evergreen/VEPCO.

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0363, Sprint (RI 60XC118-B, Evergreen/VEPCO), was consistent with the adopted Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

**07PD0379:** In Dale Magisterial District, **CLEARWIRE US LLC** requests administrative substantial accord determination for Clearwire VARCH 042, Newbys Bridge.

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0379 (Clearwire VARCH 042, Newbys Bridge), was consistent with the adopted Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

**K. DISCUSSION TO CONSIDER RESCHEDULING PLANNING COMMISSION EVENING SESSION MEETING START TIME.**

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission resolved to set the start time for the July 17, 2007, Planning Commission meeting at 6:00p.m., with consideration of withdrawals, deferrals and consent cases from 6:00 p.m. to 7:00 p.m. and consideration of contested zoning and conditional use cases beginning at 7:00 p.m.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

Mr. Litton returned to the meeting.

**L. ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION POLICY.**

Mr. Turner noted the Leadership Group had approved, and the County Administrator had signed, an amendment to the Substantial Accord Determination Policy regarding the processing of all such proposals to require a public hearing and notification of adjacent property owners. He stated appropriate amendments to the Zoning Ordinance were necessary to coincide with the amended Administrative Policy and asked the Commission to consider scheduling a public hearing on August 21, 2007, to consider the amendments.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission set the date of, and requested staff take the necessary steps to advertise, August 21, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider amendments to the Zoning Ordinance relating to Substantial Accord Determinations.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**M. RESIDENTIAL SUBDIVISION CONNECTIVITY POLICY.**

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission directed staff to forward a request to the Board of Supervisors to consider vacation of the *Residential Subdivision Connectivity Policy*.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**N. PROPOSED ORDINANCE AMENDMENT TO ADDRESS PARKING OF VEHICLES ON FRONT LAWNS IN RESIDENTIAL DISTRICTS.**

Mr. Gulley noted he had received an increasing number of complaints regarding the parking of vehicles on front lawns in residential districts and expressed concerns regarding the severity of the issue.

There was discussion relative to the viability of such an ordinance; enforcement; benchmarking the offense with other jurisdictions; and other concerns.

Upon conclusion of the discussion, the Commission requested staff prepare, and bring forward for discussion at a future meeting, a draft Ordinance Amendment relative to precluding the parking of vehicles in front yards in residential districts.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**O. RECESS.**

There being no further business to discuss, the Commission adjourned at 2:49 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the public meeting.

**3:00 P. M. PUBLIC MEETING**

Mr. Gecker, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**B. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for consideration of site plans, architectural plans, schematic plans and development standards waivers.

**C. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the April 17, April 19, May 3 and May 15, 2007, Planning Commission minutes.

**♦ APRIL 17, 2007.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the April 17, 2007, Planning Commission meeting minutes, with the following correction:

**Page 36, Paragraph 14, Line 2:**

"At approximately 11:10 p. m., in accordance with the Commission's By-Laws, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission suspended ~~ed~~ their By-Laws to allow consideration of the remaining cases on the agenda."

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **APRIL 19, 2007.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the April 19, 2007, Planning Commission meeting minutes, with the following correction:

**Page 1, Paragraph 16:**

**"Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office"**

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **MAY 3, 2007.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the May 3, 2007, Planning Commission meeting minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **MAY 15, 2007.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the May 15, 2007, Planning Commission meeting minutes, with the following corrections:

**Page 4, Paragraph 1, Lines 4 & 5:**

"Mr. Larson updated the Commission relative to the status of the proposed *Northern Courthouse Road Community Plan*, *Upper Swift Creek Plan* Amendment and *The Thoroughfare Plan* Amendment, noting proposed revisions to include a correction to the *Northern Courthouse Road Community Plan*; and a revision to the proposed ~~*Upper Swift Creek Plan* Amendment~~ ***Northern Courthouse Road Community Plan*** designating the Mansfield Crossing Subdivision lake as open space since legal documentation had been provided by residents of Mansfield Crossing Subdivision indicating the lake was a privately held entity. He also updated the Commission as to the status of the proposed Code Amendment relative to the sale of alcoholic beverages near schools, residentially-zoned property, day care centers, churches and other places of worship, scheduled for public hearing at the 7:00 p. m. session. He further referenced a memo from Mr. Kelly Miller, Chairman of the Board of Supervisors, noting the Board would be considering an item at their May 23, 2007, meeting to grant the Commission's request for an extension on the *Upper Swift Creek Plan* Amendment recommendation."



**Page 6, Paragraph 3, Line 4:**

"On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of an amendment to schematic plan 82PS1004 relative to location of parking areas and approval of parking lot landscaping for Case 07PS0333, Chesterfield County Parks and Recreation (Midlothian High School Recreation Site Improvements), shall be and it thereby was granted, subject to the following conditions:"

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**D. CONSIDERATION OF THE FOLLOWING REQUESTS:**

**◆ DEFERRAL REQUESTS BY APPLICANTS – ARCHITECTURE AND SITE PLANS.**

**07PR0361:** In Dale Magisterial District, **JHM, LLC** requested deferral to August 21, 2007, for consideration of a variable reduction to a 100 foot buffer in conjunction with site plan approval. The maximum reduction requested is eighty (80) feet. This project is commonly known as **JHM, LLC**. This request lies in a General Business (C-5) District on a 5.31 acre parcel fronting approximately 450 feet on the west line of Iron Bridge Road, also fronting approximately 140 feet on Canasta Drive and located in the northwest quadrant of the intersection of these roads. Tax IDs 773-680-6620, 7615, 8039 and 8757 (Sheet 17).

Mr. Jeff Collins, the applicant's representative, requested deferral of Case 07PR0361, JHM, LLC to the July 17, 2007, Planning Commission meeting.

Mr. Litton stated he preferred the request be deferred to the August 21, 2007, Planning Commission meeting to allow sufficient time for review of the applicant's resubmitted information.

In response to Mr. Litton's comments, Mr. Collins requested deferral of Case 07PR0361 to the August 21, 2007, meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07PR0361, JHM, LLC (JHM, LLC), to the August 21, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07PR0264:** In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested deferral to August 21, 2007, for consideration of approval of architectural elevations for the proposed buildings shown on the site plan of companion Case 07PR0138. This project is commonly known as **RAILEY HILL OFFICE PARK (ARCHITECTURE)**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the east line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07PR0264, Katherman & Company (Railey Hill Office Park (Architecture)), to the July 17, 2007, Planning Commission meeting.

Mr. Gecker opened the discussion for public comment relative to the deferral.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, expressed concerns that deferral to the July 2007 meeting would not be sufficient time to allow an adequate review of revised plans, to coordinate a coalition meeting with the applicant and/or to address any concerns that may arise. She asked that consideration be given to deferring the request to the August 2007 meeting.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gecker concurred and indicated he also preferred deferral to the August 2007 meeting.

In response to the concerns expressed, Mr. Scherzer requested deferral of Case 07PR0264 to the August 21, 2007, Planning Commission meeting.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07PR0264, Katherman & Company (Railey Hill Office Park (Architecture)), to the August 21, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER–DEVELOPMENT STANDARDS WAIVER.**

**07TW0326:** In Clover Hill Magisterial District, **ZENO AND CHARLOTTE ROUSSEAU** requested a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a boat to be parked outside the required rear yard. This project is commonly known as **11501 BAILEY WOODS DRIVE**. This request lies in a Residential (R-9) District on a .23 acre parcel fronting approximately seventy-five (75) feet on the south line of Bailey Woods Drive. Tax ID 742-679-1230 (Sheet 16).

Ms. Charlotte Rousseau, one of the applicants, accepted deferral of Case 07TW0326 by Mr. Gulley to the July 17, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 07TW0326, Zeno and Charlotte Rousseau (Bailey Ridge Estates), to the July 17, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT-ARCHITECTURE PLANS, SCHEMATIC PLANS AND DEVELOPMENT STANDARDS WAIVER.**

**07PR0364:** In Clover Hill Magisterial District, **WILLIAM FLYNN** requested Planning Commission approval of revisions to architectural elevations previously approved by the Planning Commission as part of Case 07PR0140. This project is commonly known as **FRANKLIN STREET MARKETING**. This request lies in a Light Industrial (I-1) District on a 1.5 acre parcel fronting approximately fifty (50) feet on the south line of Farrar Court. Tax ID 750-706-2432 (Sheet 6).

Mr. William Flynn, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that approval of revisions to architectural elevations previously approved by the Planning Commission as part of Case 07PR0140 for Case 07PR0364, William Flynn (Franklin Street Marketing), shall be and it thereby was granted.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07PS0343:** In Clover Hill Magisterial District, **ORLEANS HOMEBUILDERS** requested an adjustment to an approved schematic plan to allow five (5) decks to encroach into the required twenty (20) foot setback for a condominium development with twenty-four (24) buildings/units. This development is commonly known as **WOODBIDGE CONDOMINIUMS PHASE VII**. This request lies in a Residential (R-7) District on an approximately 3.5 acre parcel fronting Woodbridge Crossing Way just south of Genito Road at Woodbridge Crossing Drive. Tax ID 727-688-8948 (Sheet 9).

Mr. Harley Joseph, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that approval of an adjustment to an approved schematic plan to allow five (5) decks to encroach into the required twenty (20) foot setback for a condominium development with twenty-four (24) buildings/units for Case 07PS0343, Orleans Homebuilders (Woodbridge Condominiums Phase VII), shall be and it thereby was granted.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07TW0366:** In Clover Hill Magisterial District, **MICHAEL AND MARCHETTA TENCH** request a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit an RV camper to be parked outside the required rear yard. This project is commonly known as **CLAY POINTE SUBDIVISION-LOT 83, SEC. A**. This request lies in a Residential (R-9) District on a .2 acre parcel fronting approximately seventy-five (75) feet on the east line of Clear Ridge Terrace. Tax ID 741-678-8708 (Sheet 16).

Ms. Marchetta Tench, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission found Case 07TW0366, Michael and Marchetta Tench (Clay Pointe Subdivision) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit an RV camper to be parked outside the required rear yard, subject to the following conditions:

**CONDITIONS**

1. The camper shall be parked in the side yard behind the front plane of the home and at least five (5) feet from the side property line at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to Michael and Marchetta Tench, and shall not be transferable with the land.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**E. RECESS.**

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission recessed the public meeting at approximately 3:20 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

**7:00 P. M. PUBLIC MEETING AND HEARING**

Mr. Gecker, Chairman, called the meeting to order at 7:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex, noting that Mr. Wilson would be arriving late for the meeting.

**A. INVOCATION.**

Mr. Gulley presented the invocation.

**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

**C. REVIEW AGENDAS FOR UPCOMING MONTHS.**

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty (22) cases scheduled on the July 17, 2007, agenda; thirteen (13) cases scheduled on the August 21, 2007, agenda; and two (2) cases scheduled on the September 18, 2007, Planning Commission meeting agenda.

**D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission amended the agenda to reorder Case 07SN0350, Chesterfield County Planning Commission to the first item on the Discussion Agenda; to reorder Case 06SN0244, H. H. Hunt Corporation to the Deferral by Individual Planning Commission Agenda; to revise the deferral date, at the applicant's request, for Case 07SN0262, Skinquarter LLC from the July 17, 2007, to the August 21, 2007, Deferral Request by Applicant Agenda; to reorder Case 05SN0221, Piedmont Venture, LLC to the second item on the Discussion Agenda; to add a new item under H., Consideration of Requests for Withdrawals for Case 06SN0339, Hull Street Associates, LLC and Michael Dzaman, Managing Member; to add a new Item G., Set Public Hearing Date to Consider the proposed *Upper Swift Creek Plan* Amendment and related Ordinances and Appointment of Subdivision Fee Review Committee, to consider items deferred at the Work Session conducted earlier in the day; and reordered the remaining agenda.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

**E. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for rezonings and conditional uses.

**F. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

Mr. C. L. Morrisette, a County resident, addressed concerns regarding proffered conditions as they pertained to lowering and/or reducing density.

Mr. Turner noted the next item on the agenda would be consideration of new Item VI, Set Public Hearing Date to Consider *Upper Swift Creek Plan* Amendment and related Ordinances and Appointment of Subdivision Fee Review Committee.

**G. DEFERRED WORK SESSION ITEMS.**

◆ **SET PUBLIC HEARING DATE TO CONSIDER PROPOSED *UPPER SWIFT CREEK PLAN* AMENDMENT AND RELATED ORDINANCES.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission set the date of, and requested staff take the necessary steps to advertise, July 19, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider the proposed *Upper Swift Creek Plan* Amendment and related Ordinances.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

◆ **APPOINTMENT OF SUBDIVISION FEE REVIEW COMMITTEE.**

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission appointed the following members to the Subdivision Fee Review Committee, with the Committee supported by staff consisting of, but not limited to, members of the Planning Department and Accounting Department, to review and make recommendations

on potential subdivision fee adjustments and to propose, if appropriate, possible amendments to the Zoning Ordinance:

**Members:** Messrs. Daniel Gecker, Chairman, Planning Commission; Scott Camp, Chesdin Co. LLC; Richard Collier, R. E. Collier, Inc., Builders; Andy Scherzer, Balzer & Associates; Tyler Craddock, Home Builders Association of Richmond; and Robert Schrum, Jr., Flagstop Corporation.

**Staff Support:** Messrs. Glenn Larson, Joe Feest, Carl Schlaudt and Tony Leone.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

## **H. CONSIDERATION OF THE FOLLOWING REQUESTS:**

### **◆ REQUEST FOR WITHDRAWAL**

**06SN0339:** In Matoaca Magisterial District, **HULL STREET ASSOCIATES, LLC AND MICHAEL DZAMAN, MANAGING MEMBER** withdrew the request for rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 15.9 acres fronting approximately 650 feet on the south line of Hull Street Road approximately 2,330 feet west of Otterdale Road, also fronting approximately 250 feet on the north line of Hampton Park Drive. Tax IDs 710-668-3301 and 6409.

No one was present to represent the request.

In response to questions from the Commission, staff indicated written documentation had been submitted withdrawing Case 06SN0339.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 06SN0339.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

### **◆ REQUESTS FOR DEFERRAL BY APPLICANTS.**

**07SN0323:** In Dale Magisterial District, **RICHMOND 20 MHZ LLC** requested deferral to August 21, 2007, for consideration of Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 1.2 acres lying approximately 230 feet off the southeastern terminus of Cotfield Road, south of Pano Road. Tax ID 781-676-Part of 7315.

Mr. Brennan Keene, the applicant's representative, requested deferral of Case 07SN0323 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0323 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

ABSENT: Mr. Wilson.

**05SN0310:** In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested deferral to August 21, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Mr. Brennan Keene, the applicant's representative, requested deferral of Case 05SN0310 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0310 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

ABSENT: Mr. Wilson.

**06SN0156:** (Amended) In Dale Magisterial District, **G. H. COGBILL LIMITED COMPANY** requested deferral to September 18, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.5 acres fronting approximately 290 feet on the south line of Iron Bridge Road approximately 1,000 feet west of Beach Road. Tax IDs 769-661-Part of 5744 and 769-662-7415.

Mr. Brennan Keene, the applicant's representative, requested deferral of Case 06SN0156 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0156 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

**06SN0220:** In Dale Magisterial District, **BROOKSTONE BUILDERS** requested deferral to August 21, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06SN0220 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0220 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

**06SN0313:** In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to September 18, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

Mr. Jim Lauck, the applicant, requested deferral of Case 06SN0313 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0313 to the September 18, 2007, Planning Commission public hearing.



AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

**07SN0146:** (Amended) In Midlothian Magisterial District, **WINTERVEST, LLC** requested deferral to August 21, 2007, for consideration of amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to uses and development requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 850 feet on the south line of the Norfolk Southern Railroad approximately 640 feet west of Winterfield Road. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 9121 and Part of 7661; and 725-709-1125.

No one was present to represent the request.

Mr. Gecker indicated written documentation from the applicant had been received requesting deferral of Case 07SN0146 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0146 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

**07SN0152:** (Amended) In Matoaca Magisterial District, **PATRICIA H. PATTON AND MICHAEL AND MYRNA T. MCCAFFERY** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 12.5 acres fronting approximately 1,500 feet on the south line of Hull Street Road approximately 170 feet east of Mockingbird Lane. Tax ID 730-674-7150 and 731-674-2477.

Mr. Sam Baronian, Jr., the applicant's representative, requested deferral of Case 07SN0152 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0152 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

**07SN0262:** (Amended) In Matoaca Magisterial District, **SKINQUARTER LLC** requested deferral to July 17, 2007, for consideration of amendment to Conditional Use (Cases 88SN0005 and 04SN0312) relative to the Master Plan, buffers and development standards plus Conditional Use to allow a landfill and material recycling operation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 99.3 acres fronting approximately 40 feet on the south line of Hull Street Road approximately 2,700 feet west of Skinquarter Road. Tax IDs 689-666-8726; 690-664-Part of 5058; and 690-666-8719.

Mr. Sam Baronian, Jr., the applicant's representative, requested deferral of Case 07SN0262 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0262 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

**07SN0282:** In Midlothian Magisterial District, **LUCAS PROPERTIES, LLC** requested deferral to August 21, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres fronting approximately 670 feet on the southwest line of Robious Road approximately 120 feet west of Corner Rock Road, also fronting approximately 600 feet on the west line of Corner Rock Road approximately 240 feet south of Robious Road. Tax IDs 734-717-9054 and 735-717-1268, 1405 and 2943.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0282 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0282 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSENT: Mr. Wilson.

At this time, Mr. Gecker pointed out that the Commission, at the Work Session earlier in the day, changed the start time for the July 17, 2007, Planning Commission Evening Session from 7:00 p.m. to 6:00 p.m.,

noting that withdrawals, deferrals and consent items would be considered from 6:00 p.m. to 7:00 p.m. and the contested items would be considered beginning at 7:00 p. m.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**06SN0244:** In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (wastewater pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Mr. Jim Theobald, the applicant's representative, accepted deferral of the request by Mr. Wilson to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0244 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

**07SN0336:** In Matoaca Magisterial District, **360 CAPITAL PARTNERSHIP, LLC** requested Conditional Use and amendment of zoning district map to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Regional Business (C-4) District on 71.9 acres fronting approximately 1,600 feet on the east and west lines of Lonas Parkway approximately 1,000 feet south of Hull Street Road. Tax IDs 737-678-8211; 737-679-1634; 738-679-Part of 1556; and 738-680-Parts of 2767 and 8161.

Mr. Jim Theobald, the applicant's representative, accepted deferral of the request by Mr. Bass to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07SN0336 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**07SN0334:** In Clover Hill Magisterial District, **POTTS, MINTER & ASSOCIATES, P.C.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.2 acres located in the northwest quadrant of the intersection of Stroud Lane and Adkins Road. Tax ID 748-700-9265.

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation, including the Addendums.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0334, subject to the following condition and acceptance of the following proffered conditions:

**CONDITION**

The Textual Statement dated May 10, 2007, shall be considered the Master Plan for the existing dwelling unit and garage identified on the plat prepared by Potts, Minter and Associates, P.C., dated April 16, 2007, as attached. (P)

**PROFFERED CONDITIONS**

1. A maximum of two (2) lots shall be permitted on the property. (P)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
  - a. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007: or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made after June 30, 2007.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B& M)

3. All new dwelling units shall have a minimum floor area of 1,800 square feet. (P)

4. All new foundations shall have a brick, stone or exterior insulation finish system veneer. (P)
5. There shall be no vehicular access from the property to Adkins Road. (T)
6. All new dwelling units shall be constructed with brick or stone veneer, hardiplank, vinyl siding or any combination thereof. (P)

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT Mr. Wilson.

**07SN0299:** In Bermuda Magisterial District, **PRINCETON PROPERTIES, INC.** requested amendment to Conditional Use Planned Development (Case 06SN0196) and amendment of zoning district map to permit multifamily residential uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies in a Residential Townhouse (R-TH) District on 6.1 acres lying approximately 1,100 feet off the south line of Iron Bridge Road approximately 700 feet west of Branders Creek Drive. Tax ID 776-652-Part of 7257.

Mr. William Homiller, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0299 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Owner, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for itself and its successors or assigns, hereby requests to amend the Statement of Proffered Conditions pursuant to the terms and conditions set forth herein, which Statement of Proffered Conditions was previously approved by the Board of Supervisors on July 26, 2006, as a part of Rezoning Case 06SN0196 (the "Existing Rezoning Case"), in which the Board approved, among other things, rezoning to R-TH with a Conditional Use Planned Development of 38.0 acres, located on the south line of Ironbridge Road (Route 10), west of the River Forest Apartments and east of the Edenshire subdivision designated as Chesterfield County Tax IDs 776-652-2477, 776-652-3293, 776-652-0051, 776-652-1462 and a portion of 776-652-7829 (now known as 776-652-7257) (the "Townhouse Property").

For the purposes of the Statement of Proffered Conditions, as amended, "Multi-Family Property" shall mean the 6.08 acre portion of the Townhouse Property depicted on that certain plat entitled "Zoning Plat of 6.08 Acres of Land" prepared by Townes Site Engineering, P.C., dated October 6, 2006, a copy of which was submitted with the application for this amendment, and lying west of and adjacent to property designated as Chesterfield County Tax ID 776-652-6715, on which is located an existing multi-family development known as the River Forest Apartments (the "Existing Apartment Property").

1. Amendment to Textual Statement: In conjunction with the approval of this request, the Amendment to Textual Statement dated April 19, 2007 (the "Textual Statement Amendment"), shall be approved.

2. Exceptions for Multi-Family Property: Notwithstanding anything to the contrary set forth in the Statement of Proffered Conditions, in the event the Multi-Family Property is used for construction of multi-family housing as provided in the Textual Statement Amendment, the Multi-Family Property shall be subject only to the proffered conditions of the Existing Rezoning Case numbered 1 (Utilities), 2 (Timbering), 3.a (Transportation), 3.e (Transportation) as amended herein, 4 (Textual Statement) and 9 (Cash Proffer) and shall not be subject to the other proffered conditions of the Existing Zoning Case. (P, U, EE, T and B&M)
3. Carver Heights Drive. Proffer 3.e of the Existing Zoning Case is hereby amended and restated as follows:

Prior to the earlier of (i) recordation of the initial subdivision plat establishing lots within the Townhouse Property or (ii) issuance of a building permit for the first dwelling unit on the Multi-Family Property, the developer shall pay \$170,000 to the County to be applied to the cost to construct an extension of or improvements to Carver Heights Drive, or for other road improvements within the Property's traffic shed as defined in the County's cash proffer policy. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.  
ABSENT Mr. Wilson.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**07SN0350:** The Commission requested amendment to a Conditional Use Planned Development (Zoning Case 74S021) relating to open space in Brandermill Community. Case 74S021 required 940 acres of open space; this amendment would reduce the total to 912.9 acres. Open space would consist of 473.3 acres owned by Brandermill Comm. Ass'n, 24.5 acres owned as private open space, 173.2 acres owned by Commonwealth Golf Prop., LLC, and not more than 241.9 acres within existing road rights of ways, all of which is shown on a document "Brandermill Residential Communities Open Space Calculations" dated 5/7/07 which is part of this application and can be reviewed at Planning Department on weekdays between 8:30 am & 5:00 pm. Uses permitted in required open space would also be amended so that, except for open space in existing roads, open space could be used only for: maintaining as natural vegetation or landscaped areas; active or passive recreational uses incl. but not limited to walking & biking paths, playgrounds, golf course, pools, tennis courts, related parking lots & bldgs; & temporary activities & events such as art shows, annual celebrations, & special outings that support the recreational nature of open space. This request affects all properties that are currently within the boundaries of the Brandermill Community except as noted below. These boundaries follow the entire east line of the Swift Creek Reservoir down to the south line of Swift Creek Reservoir to the west line of the Harbour Pointe residential community over to Hull Street Road. Follow the north line of Hull Street Road to the west line of South Old Hundred Road. Follow the west line of South Old Hundred Road to Genito Road where South Old Hundred Road changes to Charter Colony Parkway. Follow the west line of Charter Colony Parkway to the south line of Old Hundred Road. Follow the south line of Old Hundred Road to the west line of Brandermill Woods and follow the west line of Brandermill Woods to the west line of Deer Meadow subdivision to the west line of Birnam Woods to the west line of Millcrest subdivision to the upper east line of Swift Creek Reservoir. Within these boundaries, all County-owned properties and commercial properties that do not pay dues to the Brandermill Community Association for maintenance are excluded from this request.

Ms. Peterson presented an overview of the request and staff's recommendation for approval with the condition, as amended by the Addendum.

Mr. Kirk Turner, the agent for the request, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Ryland Reamy, President of the Brandermill Community Association Board of Directors, voiced support for the request.

Mr. William Homiller, representing Commonwealth Golf Properties, LLC, requested the matter be deferred for sixty (60) days to allow additional time for discussion regarding the impact this action would have on his client's property.

Ms. Andrea Epps, a County resident and member of the Brandermill Community Association Board of Directors, opposed deferral of the request and urged the Commission to do what was right for the area residents.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gulley stated he had received several requests from interested parties for further discussion of the information disseminated and to clarify any miscommunication and/or misinformation.

Mr. Wilson arrived at the meeting at 7:44 p. m.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0350 to the August 21, 2007, Planning Commission public hearing, at 7:00 p. m., at which time the Commission would render a decision on the matter.

AYES: Messrs. Gecker, Gulley, Litton and Bass.

ABSTENTION: Mr. Wilson.

**05SN0221:** (Amended) In Matoaca Magisterial District, **PIEDMONT VENTURE, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 164.2 acres fronting approximately 1,600 feet on the south line of Genito Road approximately 2,400 feet east of Mt. Hermon Road. Tax ID 705-687-3536.

Ms. Orr presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing transportation concerns. She further noted, on June 1, 2007, the applicant submitted revisions to Proffered Conditions 7 and 10 and Exhibit A, as outlined in the Addendum, to address concerns regarding access to Genito Road and right of way dedication for Powhite Parkway Extension.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation, noting the request was consistent with the currently adopted area land use plan and alignment for the Powhite Parkway Extension.

Mr. Gecker opened the discussion for public comment.

Ms. Kitty Snow, a Moseley resident; Mr. Carson Martin, an adjacent property owner; Mr. Vincent Russell, an adjacent property owner; and Mr. Peter Martin; a Mt. Hermon Road resident, opposed the request, citing concerns relative to the impact of growth on infrastructure, density, traffic congestion, safety hazards, and water quality.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Theobald stated there was no request for commercial development in the proposed application and that his client had made every effort to communicate with area residents to inform them of the proposed project and to address their concerns.

Mr. Bass stated that, in his opinion, the proposal failed to comply with the currently adopted *Upper Swift Creek Plan* because the property was located to the west of the "phasing recommendation;" the alignment of Powhite Parkway Extended proposed by the application failed to comply with the proposed *Upper Swift Creek Plan Amendment*; that area roads were inadequate to accommodate additional growth; and based on the health, safety and welfare of citizens using Genito Road, he intended to recommend denial of the request.

Mr. Bass made a motion, seconded by Mr. Gulley, to recommend denial of Case 05SN0221.

Mr. Gulley indicated that area schools were currently overcrowded; area roads were substandard; and that additional growth would adversely impact the health, safety and welfare of area citizens.

Mr. Gecker indicated there were inadequate public facilities to support further development in the area and based on the fact that no action had yet been taken on the draft *Upper Swift Creek Plan Amendment*, he supported Mr. Bass' motion to recommend denial.

Mr. Wilson stated the proposal complied with the currently adopted area *Plan*; and that the application presented an opportunity to improve the area transportation network by accommodating the Powhite Parkway Extension.

The vote on Mr. Bass' motion was as follows:

AYES:           Messrs. Gecker, Gulley and Bass.  
ABSENT:       Messrs. Wilson and Litton.

**07SN0331:** In Dale Magisterial District, **NEW BETHEL CHRISTIAN FELLOWSHIP** requested rezoning and amendment of zoning district map from Light Industrial (I-1) to Agricultural (A). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 29.9 acres fronting approximately 950 feet on the north line of Belmont Road across from Corcoran Drive. Tax ID 759-676-4298.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the *Central Area Plan*; the proposal represented encroachment into an area designated for economic development; the proposed uses were incompatible with County Airport operations; and transportation concerns, outlined in the "Request Analysis," had not been addressed.



Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation, noting her clients purchased the property with the intent to utilize it for a church use until they were informed they could not have a church in an area designated for light industrial use. She stated her clients did not feel the location of a church use on property adjacent to the County Airport operations would be a detriment and area residents supported the proposal.

Mr. Gecker opened the discussion for public comment.

Mr. Charles Dane, Assistant Director of General Services responsible for the County Airport operations, voiced opposition to the proposal, citing concerns relative to noise pollution from the airport operations encroaching into the adjacent properties.

Mr. Garrett Hart, representing the County Economic Development Department, voiced opposition to the proposal, citing concerns that, if approved, property designated for light industrial use would be lost to the County.

Mr. Howard Nestor, an adjacent property owner; and MR. Larry Winningham, representing New Bethel Christian Church, supported the request, noting the church use would be a good neighbor to area residential development.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Litton indicated that area residents supported the use.

Mr. Wilson indicated that, in his opinion, the property was not suited for industrial development; there were no safety issues related to the airport operation; and that the church understood the noise impacts from the airport.

Mr. Gulley indicated the proposal was not consistent with the *Plan* and that the use was incompatible with the airport as well as anticipated area development.

Mr. Litton made a motion, seconded by Mr. Wilson, to recommend approval of Case 07SN0331 and acceptance of the proffered conditions.

The vote on Mr. Litton's motion was as follows:

AYES:	Messrs. Litton and Wilson.
NAYS:	Messrs. Gecker, Gulley and Bass.

Mr. Gulley made a motion, seconded by Mr. Bass, to recommend denial of Case 07SN0331.

The vote on Mr. Gulley's motion was as follows:

AYES:	Messrs. Gecker, Gulley and Bass.
NAYS:	Messrs. Wilson and Litton.

**07SN0342:** In Matoaca Magisterial District, **DEBONAIR ACRES LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) of 689.9 acres plus Conditional Use to

permit residential stock farm (keeping of horses) on 100 acres of the 689.9 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning and residential use of 1.01-2.5 units per acre. This request fronts approximately 200 feet on the south line of Graves Road approximately 1,230 feet east of Sadberge Drive also lying at the eastern terminus of Eanes Road. Tax IDs 760-618-9862; 761-617-5745; 762-616-3473; 762-618-7458; 763-616-9147; 764-616-8303; 764-617-4550; 766-616-8203; 766-618-4335; 767-617-2600 and 8276; 768-617-9663; 768-619-0903; 769-616-5571; 769-617-2708, 7874 and 9607; 769-618-9478; and 770-617-2262.

Ms. Peterson presented an overview of the request and staff's recommendation for approval.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, stated he felt the proposal was innovative and he supported approval.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0342 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Owner-Applicant in the zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Ids as reflected on the attached Schedule "A" (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-88 with a conditional use to permit a residential stock farm as set forth in the above heading and the application filed herein is granted. In the even the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
2. Utilities.
  - A) The required overall water system plan for the development shall be submitted to the Utilities Department for review and approval prior to approval of the first tentative subdivision plan for the development. The overall water system plan shall be accompanied by a Water System Phasing Plan depicting the construction phasing for all new water infrastructure related to this development.

- B) Since this development is located within two water pressure zones, the developer shall extend water lines from both the 16" water line along River Road and from the 30" water line along Church Road, at locations and of a size to be approved by the Utilities Department. (U)

3. Cash Proffer. The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
- b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
- c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.
- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

4. Transportation.

Dedication.

In conjunction with recordation of the initial subdivision plat, prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the south side of Graves Road, measured from the centerline of that part of Graves Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

#### Vehicular Access.

- A) Direct vehicular access from the property to Graves Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department.
- B) No direct vehicular access from the property to Eanes Road shall be permitted except for access for emergency vehicles.

#### Road Improvements.

The developer shall provide the following road improvements with initial development of the property:

- A) Construct additional pavement along Graves Road at the approved access to provide left and right turn lanes.
- B) Dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the road improvements identified in this Proffered Condition. In the event the developer is unable to acquire the "off-site" right-of-way necessary for these road improvements, the developer may request, in writing, the county to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the county chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and shall only provide the road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)

#### 5. Residential Stock Farm Use.

- a. Stock farm uses shall not occupy a cumulative area in excess of 100 acres, including riding trails.
- b. Any stock farm use shall be limited to the keeping of horses.
- c. Horse riding trails shall be permitted throughout the development.
- d. With the exception of riding trails, all equestrian uses shall be located a minimum of fifty (50) feet from adjacent properties to the development and from any existing or proposed public roads. This setback requirement may be modified by the Planning Commission at the time of plan review.
- e. Horse boarding facilities shall be permitted.
- f. The keeping of horses shall not be permitted on individual lots.

- g. All facilities and areas associated with the keeping of horses shall be cleaned and made free of waste on a regular basis. Methods shall be employed to eliminate any odor problems and the propagation of insects. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0141:** In Bermuda Magisterial District, **ENON LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 4.0 dwellings per acre or less. This request lies on 56.7 acres fronting approximately 330 feet on the east line of North Enon Church Road approximately 1,000 feet north of East Hundred Road, also fronting approximately 3,410 feet on the south line of the CSX Railroad. Tax IDs 824-648-6539 and 826-648-3681.

Ms. Orr presented an overview of the request and staff's recommendation for approval of the rezoning, subject to the applicant addressing concerns relative to alley design and tree preservation areas, noting that on June 19, 2007, the applicant submitted revisions to the Textual Statement and to Proffered Condition 1 which now addressed staff's concerns relative to parking. She stated, however, staff recommended denial of the waiver to street connectivity requirements to Chester, Dover and York Streets.

Mr. Andy Scherzer, the applicant's representative, distributed a rendering depicting the layout and road network of the proposed development and accepted staff's recommendation for approval of the rezoning, noting the applicant was providing open space and tree preservation. He did not accept the recommendation for denial of the waiver to street connectivity requirements to Chester, Dover and York Streets, noting that direct vehicular access from the property to North Enon Church Road would be limited to one (1) public road located at the southern property line and that area residents opposed the connection.

Mr. Gecker opened the discussion for public comment.

Mr. John Hayes and Ms. Diana Hayes, Burgess Road residents, expressed concerns relative to the additional traffic the development would generate on Burgess Road; the impact of the development on their quality of life; and opposed street connectivity to neighborhood streets.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the condition and safety of Burgess Road as compared to other similar roads throughout the County.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Wilson stated he felt there had been continued progress between the applicant's representative and the community and he felt the proposal would be an asset to the community.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0141 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

1. Master Plan. The Textual Statement dated August 14, 2006 and revised June 18, 2007, shall be considered the Master Plan. (P)
2. Density. The total number of dwelling units shall not exceed 130 dwelling units. (P)
3. Connectivity. There shall be no public road access to Chestnut Street, York Street and Dover Street. An emergency access road shall be provided from the property to Dover Street prior to the occupancy of more than fifty (50) units. This road shall be constructed to accommodate access in case of emergency and shall be gated to preclude its use other than during emergency situations. Furthermore, the Dover Street right of way shall be improved to accommodate access in case of emergency. The exact design, location and maintenance provisions of this access shall be reviewed and approved by the Fire Department at the time of tentative subdivision plan review. (P&F)
4. Open Space. A minimum of fifteen (15) percent of the gross acreage shall be recorded as open space. (P)
5. Foundations. All exposed portions of the foundation and exposed piers supporting front porches of each dwelling unit shall be faced with brick, decorative masonry or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
6. Special Setbacks and Buffers.
  - A. A twenty (20) foot tree preservation strip shall be provided along the southern property line of any residential lot having an area of 12,000 square feet or greater. This strip shall be shown on the record plat.
  - B. A twenty (20) foot landscaped setback shall be maintained along the southern property line immediately adjacent to any residential lot having an area of less than 12,000 square feet. This setback shall be landscaped in accordance with Landscape "F" of the Zoning Ordinance except that a six (6) foot high board on board privacy fence shall be permitted in lieu of the screening options in Section 19-518 (g)(8)c. The landscaping and fence shall be installed concurrent with the initial phase of residential development. This setback shall be located within recorded open space and shall be shown on the record plat for each lot adjacent to the setback. (P)
7. Utilities. Public water and wastewater systems shall be used. A waterline stub and fire hydrant shall be provided at the terminus of Dover Street. (U)
8. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
  - A. Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following

amounts for infrastructure improvement within the service district for the property:

- i. If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit;
    - ii. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
  - B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - C. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)
9. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
10. Drainage. At time of subdivision or site plan review the developer shall provide to the Environmental Engineering Department proof of the following calculation and/or provide for improvements as follows:
- A. The developer must analyze the culverts under Burgess Road that are generally located 300 feet north of Route 10, for a 10 year and 100 year storm.
  - B. If the 100 year storm tops Burgess Road, the developer, at time of the first phase of construction, must provide a temporary means of ingress and egress until that time which a permanent access is tied into Burgess to the North or upgrade the pipes to pass the 100 year if no access is allowed.
  - C. If a permanent access is allowed north of the creek, the developer must still upgrade the pipes if the study determines they cannot pass a 10 year storm to meet current VDOT criteria for secondary roads. (EE)
11. Road Improvements. The developer shall be responsible for the following:
- A. Construction of additional pavement along Enon Church Road at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
  - B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 11.A., the developer may

request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

12. Phasing Plan. Prior to any construction plan approval or prior to any site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 11, shall be submitted to and approved by the Transportation Department. (T)
13. Public Roads. In residential development, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
14. Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right of way measured from the centerline of North Enon Church Road adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
15. Direct vehicular access from the property to North Enon Church Road shall be limited to one (1) public road located at the southern property line. (T)
16. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that the adjacent landowners have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for appeals to the Planning Commission shall not commence until such certification has been provided. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of the wavier to the "Residential Subdivision Connectivity Policy" requirements to Chester, Dover and York Streets Case 07SN014.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0181:** In Clover Hill Magisterial District, **TASCON GROUP INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 21.8 acres fronting approximately 580 feet on the southwest line of Reams Road at its intersection with Winters Hill Place, also fronting the western termini of Rockdale and Gallatin Roads. Tax ID 752-698-3368.



Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the waiver to street connectivity requirements to Gallitan Road.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation for approval of the rezoning but did not accept the recommendation for denial of the street connectivity requirements to Gallitan Road. He distributed a rendering depicting the layout and road network of the proposed development; indicated the last-minute submittal of proffered conditions was a result of last-minute discussions with the Transportation Department; addressed connectivity issues noting the applicant had proffered no direct vehicular access from the property to Reams Road; that the applicant intended to access the property from the existing Winters Hill Place in the Winters Hill Subdivision; and in addressing citizen concerns, there would be no direct vehicular access from the property to Gallitan Road in the adjacent Gatewood Subdivision.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Gulley, Mr. Banks indicated the Transportation Department supported the proposal, based on the proffered conditions.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0181 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Master Plan. The Textual Statement dated September 8, 2006, and revised April 5, 2007, shall be considered The Master Plan.
2. Utilities. Public water and wastewater systems shall be used.
3. Density. Density shall not exceed four (4) dwelling units per acre. (P)
4. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Drainage. No drainage from impervious areas shall drain to Gatewood Subdivision or Winters Hill Place subdivision except for that small amount required by the CORPS of engineers to hydrate any wetlands. (EE)
6. Construction Access. Construction traffic for the initial development shall be limited to an access on to Reams Road subject to review and approval by VDOT. (EE)
7. Sidewalks. Sidewalks shall be provided on both sides of all street rights of way within the development. The exact treatment and location of these sidewalks shall be approved by the Planning Department at the time of site plan review. (P)

8. Streets Trees. Street trees shall be planted along each side of the interior roads to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)
9. Fencing. A decorative fence with brick or stone columns shall be provided along Reams Road frontage of the Property, such columns are not to be spaced farther apart than sixty (60) feet. A three (3) rail vinyl fence shall be provided along the eastern and western property lines adjacent to lots in Winters Hill Place and Gatewood Subdivision. (P)
10. Driveways. All private driveways shall be hardscaped. (P)
11. Building Materials and Elevations. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 20-year asphalt shingles. Buildings shall have an architectural treatment generally consistent with those depicted in the rendering entitled "Tascon Reams Road – Case #07SN0181". (P)
12. Foundation Treatment. All exposed portions of the foundation and exposed piers supporting front porches of each new dwelling unit shall be faced with brick, stone veneer, decorative masonry or exterior insulation and finishing systems (EIFS) materials. (P)
13. Garages. No more than fourteen (14) dwelling units shall be permitted to employ front loaded garages. (P)
14. Lighting. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department. (P)
15. Open space/Recreation area. Open space/recreation area shall be provided throughout the development, with a minimum of 0.75 acres in the entrance area at Winters Hill Place, to provide a "focal point" as one enters the project. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of site plan review. These amenities shall be developed concurrent with the first phase of development. (P)
16. Restriction on Children's Play Facilities. The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)
17. Virginia Condominium Act. All multi-family dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
18. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no person under the age of 19 shall reside therein. (P)

19. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit per dwelling unit:
- A. If payment is made prior to July 1, 2007, \$1,354.00 per dwelling unit. At time of payment \$1,354.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, and \$404.00 for fire stations; or
  - B. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$1,354.00 per dwelling unit pro-rated as set forth in Proffered Condition 19.A. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
  - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - D. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
20. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall pay to the County of Chesterfield prior to the issuance of each building permit \$8,915 per dwelling unit for each dwelling unit in excess of a cumulative total of forty-eight (48). In the event the improvements identified in Proffered Condition 23 are provided, not by the developer but by others, as determined by the Transportation Department, then this payment shall be made prior to the issuance of each building permit within the property, regardless of the cumulative number of dwelling units. If this amount is paid after June 30, 2007, the amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made.
- In the event the actual cost to provide the improvements identified in Proffered Condition 23 exceeds \$427,920, as determined by the Transportation Department, then the transportation contribution in this Proffered Condition shall be reduced by an amount equal to the difference of the actual cost and \$427,920.
21. Access.
- A. There shall be no direct vehicular access to Reams Road and Gallitan Road, except as otherwise stated in Proffered Condition 6.
  - B. No dwelling units shall have sole access from Winters Hill Place or Gatewood Subdivisions. (T&P)
22. Road Improvements. In conjunction with the initial development on the property, the owner/developer shall be responsible for the following:

- A. Widening/improving the south side of Reams Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the existing Reams Road right-of-way along that part of Reams Road immediately adjacent to the Property, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the roads with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage;
  - B. Construction of additional pavement along Reams Road at the Winters Hill Place/Reams Road intersection to provide a right and left turn lane, based on Transportation Department standards.
  - C. Dedication, free and unrestricted, to and for the benefit of Chesterfield County of any additional right of way required for these improvements. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
23. Offsite Road Improvements. Prior to the issuance of any certificates of occupancy, Reams Road shall be reconstructed to VDOT Urban Minor Arterial (40mph) standards from the centerline of Winters Hill Place west to a distance of 700 linear feet, with any modifications approved by the Transportation Department, and additional pavement shall be constructed along the northbound lanes of Reams Road to provide a taper at the existing right turn lane that serves Wadsworth Drive. The exact location, length and design of these improvements shall be approved by the Transportation Department. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
24. Dedication.
- a. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System.
  - b. Forty-five feet of right-of-way on the south side of Reams Road measured from the centerline of the existing Reams Road right-of-way along that part of Reams Road immediately adjacent to the Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County in conjunction with Site Plan approval or

within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of the wavier to the "Residential Subdivision Connectivity Policy" requirements to Gallitan Road for Case 07SN181.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0227:** In Clover Hill Magisterial District, **BRUCE M. GALLAGHER AND RONDA B. GALLAGHER** requested renewal of Conditional Use (Case 04SN0279) and amendment of zoning district map to permit a business (lawn care) incidental to a dwelling unit in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 2.3 acres and is known as 5710 Qualla Road. Tax ID 746-675-9350.

Ms. Orr presented an overview of the request and staff's recommendation for approval.

Ms. Ronda Gallagher, one of the applicants, accepted staff's recommendation, noting many of the previously cited concerns had been resolved; that there were other similar uses throughout the County; and asked the Commission to consider approval of the request.

Mr. Gecker opened the discussion for public comment.

Ms. Ann Cosby, an attorney representing an adjacent property owner, voiced opposition to, and asked the Commission to recommend denial of the request; noted the applicants had been in violation of their zoning for over a year; continued to operate the business without the required permits; and stated the applicant had had ample opportunity to relocate their business in the preceding eighteen (18) months.

Mr. C. L. Morrisette, a County resident, voiced support for the request.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Ms. Gallagher reiterated their efforts to resolve the issues of which they were aware and asked to be allowed to continue to operate the business for only a short period longer.

Mr. Gulley stated this had been a difficult request but he had supported lengthy deferrals in anticipation the business would be relocated and the pending request would be withdrawn; however, there did not appear to be a compelling argument to allow the operation to continue and the area property owners should not have to endure the continued business activity on the property.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend denial of Case 07SN0227.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0308:** (Amended) In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies on 4.4 acres fronting approximately 560 feet on the north line of East Hundred Road approximately 1,300 feet west of Kingston Avenue. Tax IDs 817-652-5138, 6725 and 8321.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that the proposed zoning and land uses did not conform to the *Consolidated Eastern Area Plan* and the application failed to sufficiently address the provision of transitional uses, buffers and/or design to mitigate any potential adverse impacts on nearby residential uses and transportation concerns.

Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation; addressed concerns relative to transportation dedications, limited C-3 uses, traffic, building/parking orientation; and asked the Commission to consider forwarding a favorable recommendation to the Board of Supervisors for consideration.

Mr. Gecker opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, did not oppose the request but expressed concerns regarding the County staff being included in the preparation/recommendation process of zoning requests and suggested the process should be reviewed/revised.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0308 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Contract Purchaser-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the properties known as Chesterfield County Tax IDs 817-652-5138, 817-652-8321, and 817-652-6725 from A to C-3 will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Transportation.  
Dedications/Recordation.

Prior to any site plan approval or within 60 days from a written request by the Transportation Department, whichever occurs first, one-hundred (100) feet of right of way

measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County.

Access.

Direct vehicular access from the property to Route 10 shall be limited to two (2) entrances/exits. The exact location of these accesses shall be approved by the Transportation Department. Prior to any site plan approval, access easements, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of these accesses with adjacent properties. (T)

3. Use limitations.

The following C-3 uses shall not be permitted on the property:

- a) indoor flea markets
- b) park and ride lots;
- c) taxidermies;
- d) cocktail lounges and nightclubs;
- e) feed, seed and ice sales;
- f) motor vehicle washes;
- g) hospitals;
- h) theaters, except drive-in theaters;
- i) veterinary hospitals and/or commercial kennels. (P)

4. Utilities. The public wastewater system shall be used. (U)

5. Buffers required by the zoning Ordinance may not be waived and/or modified through site plan review. (P)

6. Storm Water Retention. The developer will retain the two (2), ten (10) and one hundred (100) year post development runoff and release at the two (2), ten (10) and one hundred (100) year predevelopment rate. (EE)

7. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated May 24, 2007, shall be approved. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0312:** In Bermuda Magisterial District, **ENON LAND COMPANY II LLC** requested amendment to rezoning (Case 83S118) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies in a General Business (C-5) District on 3.9 acres located in the southeast quadrant of the intersection of East Hundred and Inge Roads. Tax IDs 814-652-7447, 7815 and 8544.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that elimination of the buffers would facilitate development of intense land uses which are in conflict with the recommendations of the *Consolidated Eastern Area Plan* and that elimination of the buffers would only be

appropriate if the applicant were willing to limit uses consistent with the recommendations of the *Plan* (i.e., C-2 uses north of the Route 10 Parallel Special Access Street and transitional uses south of the Special Access Street).

Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation, noting the application was in compliance with the current Ordinance standards and setback requirements; that the area had dramatically changed since the original zoning of the property in the 1980s; that commercial uses did not require buffers; and asked the Commission to consider forwarding a favorable recommendation to the Board of Supervisors.

Mr. Gecker opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident, did not oppose the request but stated he did not believe the County had the legal right to impose conditions on rezoning cases.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0312 and acceptance of the following proffered condition:

**PROFFERED CONDITION**

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax Ids 814-652-7447, 814-652-8544 and 814-652-7815 will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, this proffers shall be immediately null and void and of no further force or effect.

There shall be no direct vehicular access from the property to Route 10. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**I. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

There were no citizen comments on unscheduled matters at this time.

**J. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the meeting adjourned at 9:56 p. m. to July 12, 2007, at 3:00 p. m. at Mt. Hermon Baptist Church, 18100 Genito Road, Moseley, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

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Chairman/Date

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Secretary/Date